

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**TINA SCOTT**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION 3:20-cv-590-DPJ-FKB**

**PAT SALMON & SONS, INC., *et. al.***

**DEFENDANT**

**CONSENT MOTION FOR LEAVE TO INTERVENE ON BEHALF OF LUBA CASUALTY  
INSURANCE COMPANY**

COMES NOW, through undersigned counsel, LUBA Casualty Insurance Company, who moves the Court for leave to intervene in this cause. LUBA Casualty Insurance Company has an interest relating to the instant action, and it is so situated that the disposition of this action may impair or impede its ability to protect the interest, as its interest is not adequately represented by the existing parties to the action. Further, the intervention would not delay the progress of the case nor unduly delay or prejudice the adjudication of the rights of the original parties. The addition of LUBA would not destroy diversity as it is a Louisiana corporation.

For grounds of this motion, movant would show:

- 1.) Plaintiff, Tina Scott, sustained injury for which the present claim is made while employed by Mississippi Blood Services, Inc. Plaintiff's injury arose out of and in the course of his employment;
- 2.) At the time of the incident described herein, Mississippi Blood Services, Inc. was insured by LUBA Casualty Insurance Company which, pursuant to its policy's terms and conditions, provided workers' compensation indemnity and medical benefits to Plaintiff;
- 3.) As a result of the Defendants' alleged negligence, as described in Plaintiff's Complaint, Plaintiff made a claim for workers' compensation benefits, including indemnity and medical benefits, and LUBA has paid workers' compensation benefits, and seeks to assert its right to recover money

paid as a result of defendant's negligence;

- 4.) Movant is entitled to reimbursement from the proceeds of any settlement and/or recovery herein received from any Defendant and/or made on their behalf, pursuant to Mississippi's Worker's Compensation laws, the applicable state laws governing workers' compensation payments and recovery in this case, as well as to any and all legal relief allowed under the premises.
- 5.) Movant's claim is set forth in the proposed Intervenor's Complaint, attached hereto and filed herewith as Exhibit A.

WHEREFORE, LUBA Casualty Insurance Company respectfully moves the Court for leave to intervene as a party plaintiff in this cause.

Respectfully submitted,

/s/ Joshua Lewis  
**JOSHUA M. LEWIS**, MSB No. 103770  
427 Chemin Metairie Road  
Youngsville, LA. 70592  
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**Certificate of Service**

I, Joshua Lewis, counsel for Intervenor, LUBA Casualty Insurance Company, do hereby certify that a copy of the above and foregoing was served on all counsel of record via email and this Court's electronic filing system this \_\_\_\_ day of November, 2020.

/s/ Joshua Lewis

**Certificate of Consent**

I, Joshua Lewis, do certify that I have conferred with all counsel of record who have consented to the filing of this motion and entry of an Order allowing LUBA to intervene in this matter.

/s/ Joshua Lewis